



Sen. Michael E. Hastings

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LRB098 18632 JLS 56252 a

1 AMENDMENT TO SENATE BILL 3042

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3042 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Line of Duty Compensation Act is amended by  
5 changing Section 2 as follows:

6 (820 ILCS 315/2) (from Ch. 48, par. 282)

7 Sec. 2. As used in this Act, unless the context otherwise  
8 requires:

9 (a) "Law enforcement officer" or "officer" means any person  
10 employed by the State or a local governmental entity as a  
11 policeman, peace officer, auxiliary policeman or in some like  
12 position involving the enforcement of the law and protection of  
13 the public interest at the risk of that person's life. This  
14 includes supervisors, wardens, superintendents and their  
15 assistants, guards and keepers, correctional officers, youth  
16 supervisors, parole agents, aftercare specialists, school

1 teachers and correctional counsellors in all facilities of both  
2 the Department of Corrections and the Department of Juvenile  
3 Justice, while within the facilities under the control of the  
4 Department of Corrections or the Department of Juvenile Justice  
5 or in the act of transporting inmates or wards from one  
6 location to another or while performing their official duties,  
7 and all other Department of Correction or Department of  
8 Juvenile Justice employees who have daily contact with inmates.

9 The death of the foregoing employees of the Department of  
10 Corrections or the Department of Juvenile Justice in order to  
11 be included herein must be by the direct or indirect willful  
12 act of an inmate, ward, work-releasee, parolee, aftercare  
13 releasee, parole violator, aftercare release violator, person  
14 under conditional release, or any person sentenced or  
15 committed, or otherwise subject to confinement in or to the  
16 Department of Corrections or the Department of Juvenile  
17 Justice.

18 (b) "Fireman" means any person employed by the State or a  
19 local governmental entity as, or otherwise serving as, a member  
20 or officer of a fire department either for the purpose of the  
21 prevention or control of fire or the underwater recovery of  
22 drowning victims, including volunteer firemen.

23 (c) "Local governmental entity" includes counties,  
24 municipalities and municipal corporations.

25 (d) "State" means the State of Illinois and its  
26 departments, divisions, boards, bureaus, commissions,

1 authorities and colleges and universities.

2 (e) "Killed in the line of duty" means losing one's life as  
3 a result of injury received in the active performance of duties  
4 as a law enforcement officer, civil defense worker, civil air  
5 patrol member, paramedic, fireman, or chaplain if the death  
6 occurs within one year from the date the injury was received  
7 and if that injury arose from violence or other accidental  
8 cause. In the case of a State employee, "killed in the line of  
9 duty" means losing one's life as a result of injury received in  
10 the active performance of one's duties as a State employee, if  
11 the death occurs within one year from the date the injury was  
12 received and if that injury arose from a willful act of  
13 violence by another State employee committed during such other  
14 employee's course of employment and after January 1, 1988. The  
15 term excludes death resulting from the willful misconduct or  
16 intoxication of the officer, civil defense worker, civil air  
17 patrol member, paramedic, fireman, chaplain, or State  
18 employee. However, the burden of proof of such willful  
19 misconduct or intoxication of the officer, civil defense  
20 worker, civil air patrol member, paramedic, fireman, chaplain,  
21 or State employee is on the Attorney General. Subject to the  
22 conditions set forth in subsection (a) with respect to  
23 inclusion under this Act of Department of Corrections and  
24 Department of Juvenile Justice employees described in that  
25 subsection, for the purposes of this Act, instances in which a  
26 law enforcement officer receives an injury in the active

1 performance of duties as a law enforcement officer include but  
2 are not limited to instances when:

3 (1) the injury is received as a result of a wilful act  
4 of violence committed other than by the officer and a  
5 relationship exists between the commission of such act and  
6 the officer's performance of his duties as a law  
7 enforcement officer, whether or not the injury is received  
8 while the officer is on duty as a law enforcement officer;

9 (2) the injury is received by the officer while the  
10 officer is attempting to prevent the commission of a  
11 criminal act by another or attempting to apprehend an  
12 individual the officer suspects has committed a crime,  
13 whether or not the injury is received while the officer is  
14 on duty as a law enforcement officer;

15 (3) the injury is received by the officer while the  
16 officer is travelling to or from his employment as a law  
17 enforcement officer or during any meal break, or other  
18 break, which takes place during the period in which the  
19 officer is on duty as a law enforcement officer.

20 In the case of an Armed Forces member, "killed in the line  
21 of duty" means losing one's life while on active duty in  
22 connection with the September 11, 2001 terrorist attacks on the  
23 United States, Operation Enduring Freedom, or Operation Iraqi  
24 Freedom.

25 In the case of a law enforcement officer, fireman,  
26 volunteer fireman, or paramedic, "killed in the line of duty"

1 also includes instances in which the injury received by the law  
2 enforcement officer, fireman, volunteer fireman, or paramedic  
3 is self-inflicted and a mental health professional establishes  
4 that the injury was a result of the law enforcement officer's,  
5 fireman's, volunteer fireman's, or paramedic's active duty  
6 service.

7 (f) "Volunteer fireman" means a person having principal  
8 employment other than as a fireman, but who is carried on the  
9 rolls of a regularly constituted fire department either for the  
10 purpose of the prevention or control of fire or the underwater  
11 recovery of drowning victims, the members of which are under  
12 the jurisdiction of the corporate authorities of a city,  
13 village, incorporated town, or fire protection district, and  
14 includes a volunteer member of a fire department organized  
15 under the "General Not for Profit Corporation Act", approved  
16 July 17, 1943, as now or hereafter amended, which is under  
17 contract with any city, village, incorporated town, fire  
18 protection district, or persons residing therein, for fire  
19 fighting services. "Volunteer fireman" does not mean an  
20 individual who volunteers assistance without being regularly  
21 enrolled as a fireman.

22 (g) "Civil defense worker" means any person employed by the  
23 State or a local governmental entity as, or otherwise serving  
24 as, a member of a civil defense work force, including volunteer  
25 civil defense work forces engaged in serving the public  
26 interest during periods of disaster, whether natural or

1 man-made.

2 (h) "Civil air patrol member" means any person employed by  
3 the State or a local governmental entity as, or otherwise  
4 serving as, a member of the organization commonly known as the  
5 "Civil Air Patrol", including volunteer members of the  
6 organization commonly known as the "Civil Air Patrol".

7 (i) "Paramedic" means an Emergency Medical  
8 Technician-Paramedic certified by the Illinois Department of  
9 Public Health under the Emergency Medical Services (EMS)  
10 Systems Act, and all other emergency medical personnel  
11 certified by the Illinois Department of Public Health who are  
12 members of an organized body or not-for-profit corporation  
13 under the jurisdiction of a city, village, incorporated town,  
14 fire protection district or county, that provides emergency  
15 medical treatment to persons of a defined geographical area.

16 (j) "State employee" means any employee as defined in  
17 Section 14-103.05 of the Illinois Pension Code, as now or  
18 hereafter amended.

19 (k) "Chaplain" means an individual who:

20 (1) is a chaplain of (i) a fire department or (ii) a  
21 police department or other agency consisting of law  
22 enforcement officers; and

23 (2) has been designated a chaplain by (i) the fire  
24 department, police department, or other agency or an  
25 officer or body having jurisdiction over the department or  
26 agency or (ii) a labor organization representing the

1 firemen or law enforcement officers.

2 (1) "Armed Forces member" means an Illinois resident who  
3 is: a member of the Armed Forces of the United States; a member  
4 of the Illinois National Guard while on active military service  
5 pursuant to an order of the President of the United States; or  
6 a member of any reserve component of the Armed Forces of the  
7 United States while on active military service pursuant to an  
8 order of the President of the United States.

9 (Source: P.A. 98-558, eff. 1-1-14.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."